

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- x
JULIO NEGRON

Plaintiff,

-against-

THE CITY OF NEW YORK, ET AL.,

Defendants.
----- x

DECLARATION OF LT. STEVEN WEISS

18-cv-06645-NGG-SMG

Pursuant to 28 U.S.C. § 1746, I hereby declare as follows:

1. I have been employed by the New York City Police Department since 1999. I currently hold the rank of Lieutenant and am currently, and since June 27, 2019 have been, the Commanding Officer of the 104 Detective Squad. My duties include supervising and managing personnel, investigating crimes and arresting perpetrators, maintaining such records of investigation and arrest, and other various administrative responsibilities. As such I am fully familiar with the facts set forth below.

2. This affidavit is based upon personal knowledge as well as upon review of the records of the NYPD and specifically at the 104th Precinct Detective Squad.

3. At the request of the New York City Law Department, in September 2019, I personally conducted a search of the 104 Precinct stationhouse for the case file concerning the investigation of the February 6, 2005 shooting of Mervin Fevrier in the vicinity of 583 Woodward Ave in Queens, and February 6, 2005 arrest of Julio Negron. Specifically, I conducted a search for the detective file relating to the complaint report generated for the shooting of Mr. Fevrier assigned complaint number 2005-104-00952, case number 131 (or 2005-

131) and that was opened by retired Det. Robert Moscoso, in February 2005 ("Negron case file").

4. At the 104 Precinct, when a complaint is referred to the detective squad for handling, the handling detective creates a case file for that complaint that contains the notes and documents relating to that case. In 2005, while the case is active, the assigned, lead detective, in this case, Det. Moscoso, would have maintained that file, or may have delivered the case file to the prosecutor's office. On information and belief, in 2005 or 2006 when the Fevrier shooting investigation was completed, the Negron case file would have been closed. Assuming the Negron case file was not given to the prosecutor, and was archived after the Negron case was closed, it would have been stored in the 104 precinct basement storage room in an appropriately labeled box.

5. The storage room at the 104 Precinct is about 200 square feet (20' x 10'), and, at the time of my search contained some 100 boxes containing precinct records.

6. As mentioned above, in September 2019, I personally conducted a search of the storage room for the Negron case file. I personally inspected all of the labels in the archive boxes in the 104 Precinct storage room to locate any boxes containing 2005 and 2006 detective case files. None were found from that time period. I also conducted a search of the files in the 104 detective squad file cabinets and the Negron case file was not located in those cabinets.

7. On further investigation, since my original search in September 2019, I learned that paper records of the 104 Detective Squad were delivered to a storage facility in New Jersey sometime during the year 2015. With this information was able to gain access to the database of records boxes in storage.

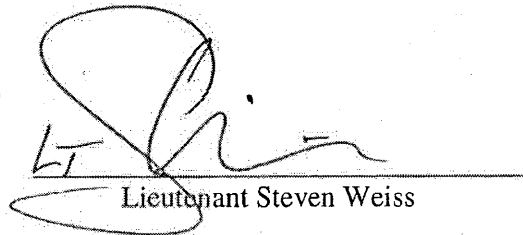
8. I determined that nineteen boxes delivered to the storage area might contain the year 2005 closed case files for the 104 Precinct Detective Squad. Upon receipt of those boxes from the storage facility I searched each of them thoroughly for the Negron case file. The Negron case file was not in any of those nineteen boxes. One of the boxes contained a DD-5 and attachment relating to the Negron case, which I retrieved and forwarded to counsel and is attached hereto bearing Bates Stamp Nos. DEF 3057- DEF 3060.

9. I also forwarded a request for a general records check to the NYPD Criminal Records Section for documents related to Complaint No. 2005-104-983 (Squad Case No. 2005-131). The Records Section informed me that they did not have any such documents.

10. I am not aware of any other locations within the NYPD where the Negron case file might be located, and I believe that I have conducted a complete and exhaustive search for the Negron case file.

11. I declare under penalty of perjury, that the foregoing is true and correct.



Executed this 27th day of November, 2019



Lieutenant Steven Weiss

Complaint Report - 2005-104-00983



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		New York City Police Department OmniForm System - Complaints			
Report Cmd: 104		Jurisdiction: N.Y. POLICE DEPT		Record Status: Final, No Arrests	
				Complaint # 2005-104-00983	
Occurrence Location: REAR OF 587 WOODWARD AVENUE Name Of Premise: Premises Type: RESIDENCE - APT. HO Location Within Premise: Visible By Patrol?: NO				Precinct: 104 Sector: F Beat: Post:	
Occurrence From: 2005-02-07 08:20 MONDAY Occurrence thru: Reported: 2005-02-07 12:30 Complaint Received: RADIO				Aided # Accident # O.C.C.B. #	
Classification: FOUND DEADLY WEAPON Attempted/Completed: COMPLETED Most Serious Offense Is: INVESTIGATION PD Code: 085 DEADLY WEAPONS - CONFISCATED & PL Section: ? Keycode: 999 INVESTIGATIONS/COMPLAINTS ONLY				Case Status: OPEN Unit Referred To: P.D.U. Clearance Code: Log/Case #: 0 File #: Prints Requested? YES	
Was The Victim's Personal Information Taken Or Possessed? NO		Was The Victim's Personal Information Used To Commit A Crime? NO			
Gang Related? NO	Gang Intel Log #:	Name Of Gang:	DIR Required? NO	Child Abuse Suspected? NO	
If Burglary: Forced Entry? Structure: Entry Method: Entry Location:		Alarm: Bypassed? Comp Responded?: Company Name/Phone: Crime Prevention Survey Requested?:		If Arson: Structure: Occupied?: Damage by:	
Supervisor On Scene - Rank / Name / Command: SGT MELHORN 104			Canvas Conducted: NO	Interpreter (if used):	
NARRATIVE: AT T/P/O REPORTER STATES SHE OBSERVED A FIREARM IN THE REAR YARD OF HER RESIDENCE ABOVE FROM HER 2ND FLOOR WINDOW. REPORTER THEN CALLED 911. A/O RECOVERED FIREARM FROM SAID LOCATION AND VOUCHERED IT AS INVESTIGATORY EVIDENCE. CT PO ANZALONE ON SCENE AND DID FUME FIREARM AT LOCATION WITH NEG RESULTS. 104 PDU DET GABRIELLI ON SCENE PLZ REFER TO 104 PCT 61#952 AND 955.					
Total Victims: 1	Total Witnesses: 0	Total Reporters: 1	Total Wanted: 0		
VICTIM: # 1 of 1		Name:	Complaints: 2005-104-00983		

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Nick/AKA/Maiden: Sex/Type: PSNY Race: UNKNOWN Age: 0 Date Of Birth: Disabled? NO Need Interpreter: Language:		Gang Affiliation: Name: Identifier: Will View Photo: Will Prosecute: Notified Of Crime Victim Comp. Law:	
LOCATION ADDRESS CITY STATE/COUNTRY ZIP APT/ROOM			
Phone #:			
Action against Victim:		Actions Of Victim Prior To Incident:	
Victim Of Similar Incident:		If Yes, When And Where	
REPORTER: # 1 of 1		Complaint #: 2005-104-00983	
Nick/AKA/Maiden: Sex/Type: FEMALE Race: WHITE Age: 037 Date Of Birth: [REDACTED] Need Interpreter: NO Language:		Gang Affiliation: NO Name: Identifier: Relationship To Victim: UNKNOWN/NONE	
Location Address City State/Country Zip Apt/Room			
Phone #: HOME: [REDACTED]			
EVIDENCE:		Complaint # 2005-104-00983	
Evidence Collected?: YES		Evidence Collection Team/Crime Scene Requested?: YES	
Evidence: COLT .45 CAL AUTOMATIC SERIAL#31415LW M565026		Invoice #	
DID COMPLAINANT SIGN REPORT?			
Reporting/Investigating M.O.S. Name: POM JONMICHAEL LUIS		Tax #: 904399	Command: 104 PCT
Supervisor Approving Name: SGT STEPHEN DEANGEL		Tax #: 891429	Command: 104 PCT
Complaint Report Entered By: POM GAMBINO		Tax #: 803131	Command: 104 PCT
		END OF COMPLAINT REPORT # 2005-104-00983	
			

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Print this Report



DEF3059

COMPLAINT - FOLLOW UP INFORMATIONAL PD 313-081A (Rev. 4-89) 31		Code	DEADLY FOUND DEADLY PROPERTY	Pct.	0008 No.	Complaint No.	983	Date of this Report	02/08/05
Date of Orig. Report	02/07/05	Date Assigned	02/08/05	Case No.	143	Unit Reporting	104SOD	Follow Up No.	
Complainant's Name - Last, First, M.I.	C. [REDACTED]			Victim's Name - If Different			SAME		
Last Name, First, M.I.	SAME			Address, include City, State, Zip			[REDACTED] PH		
Home Telephone	[REDACTED]			Business Telephone			[REDACTED]		
Position / Relationship	WITNESS			Sex	F	Race	WHITE	Date of Birth	37
Total No. of Perpetrators	Wanted	Arrested	Weapon	Describe Weapon (if firearm, give color, make, caliber, type, model, etc.)					
Wanted	Arrested	Last Name, First, M.I.	Address, include City, State, Zip			Appt. No.	Res. Pct.		
Sex	Race	Date of Birth	Age	Height	Weight	Eye Color	Hair Color	Hair Length	Facial Hair
Eyeglasses			Sunglasses			Clothing Description			
Nickname, First Name, Alias			Scars, Marks, M.O., etc. (Continue in "Details")						
Wanted	Arrested	Last Name, First, M.I.	Address, include City, State, Zip			Appt. No.	Res. Pct.		
Sex	Race	Date of Birth	Age	Height	Weight	Eye Color	Hair Color	Hair Length	Facial Hair
Eyeglasses			Sunglasses			Clothing Description			
Nickname, First Name, Alias			Scars, Marks, M.O., etc. (Continue in "Details")						
AREA WITHIN BOX FOR DETECTIVE / LATENT FINGERPRINT OFFICER ONLY. THIS BOX WILL BE UTILIZED BY INVESTIGATOR WHENEVER POSSIBLE AND MUST BE FULLY COMPLETED WHEN USING THIS FORM TO CLOSE A CASE "NO RESULTS."									
Comp. Interviewed	In Person	By Phone	Date	Time	Results: Same as Comp. Report - Different (Explain in Details)				
Witness Interviewed	In Person	By Phone	Date	Time	Results: Same as Comp. Report - Different (Explain in Details)				
Canvass Conducted	If Yes - Make Entry in Detail for Name, Address, Results			Crime Scene Visited	If Yes - Make Entry in Detail for Time, Date, Evidence Obtained				
Complainant Viewed Photos	If Yes - Make Entry in Detail for Results			Witness Viewed Photos	If Yes - Make Entry in Detail for Results				
Crime Scene Duped	By (Enter Results in Detail)			Crime Scene Photos	By (Enter Results in Detail)				
If Closing Case "No Results," Check Appropriate Box and State Justification in Details: <input type="checkbox"/> C-1 Improper Referral <input type="checkbox"/> C-2 Inaccurate Facts <input type="checkbox"/> C-3 No Evidence / Can't ID <input type="checkbox"/> C-4 Uncooperative Complainant <input type="checkbox"/> C-5 "Leads" Exhausted									
DETAILS: INVESTIGATION: FOUND DEADLY PROPERTY SUBJECT : INTERVIEW COMPLAINANT SUBJECT : CASE CLOSED B-5									
1. ON 02/08/05, THE UNDERSIGNED AFTER INVESTIGATING A FOUND DEADLY WEAPON, HAS REFERRED THIS CASE TO CASE NUMBER 131. CASE NUMBER 131 IS A SHOOTING CASE THIS HAS A WEAPON USED .45 CALI. AND THE WEAPON FOUND IS A .45 CALI. AND WEAPON FOUND IN THE SAISON FROM THE DEPT. HOUSE, THE UNDERSIGNED HAS SENT THE FIREARM TO THE LAB FOR INVESTIGATION.									
2. CASE CLOSED B-5									
10 CHOICE 1 CHOICE 2									
24 PERP 1 PERP 2									
CASE ACTIVE <input type="checkbox"/> CLOSED <input checked="" type="checkbox"/> REPORTING OFFICER: [Signature] RANK: DET REVIEWING SUPERVISOR: [Signature] RANK: [REDACTED] DATE OF NEXT REVIEW: 02/08/05 TAX REC. NO: 894205 COMMAND: 104 C.O.'S INITIALS: [REDACTED]									

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